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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic reports of States parties due in 1998

Addendum

Argentina*

[11 March 1999]

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* This document contains the fifteenth periodic report due on 4 January 1998. For the eleventh, twelfth, thirteenth and fourteenth periodic reports of Argentina and the summary records of the meetings of the Committee at which the reports were considered, see documents CERD/C/299/Add.11 and CERD/C/SR.1228-1229.

The information submitted by Argentina in accordance with the guidelines for the initial part of the reports of States parties is contained in core document HRI/CORE/1/Add.74.

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INFORMATION CONCERNING ARTICLES 2 TO 7 OF THE CONVENTION BASED ON THE CONCLUDING OBSERVATIONS OF THE COMMITTEE (CERD/C/304/ADD.39)

I. Article 2

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1. The information provided with respect to the first part of this article in the eleventh to fourteenth reports (CERD/C/299/Add.11) still fully applies and no legal norms which substantially modify that information have been adopted.

2 2. It should be pointed out that human rights instruments with constitutional ranking are recognized by the National Constitution itself (art. 75, para. 22) as norms that do not abrogate any of the articles thereof, but instead 3 complement them. The Constitution thus explicitly rules out any conflict of 6 legal norms.
8

3. In this same connection, the Supreme Court of Justice of the Nation has 23 stated as follows: "… harmony and concordance between treaties and the Constitution is a fundamental precept. This has been so determined with 23 reference to the treaties which were given constitutional ranking and therefore cannot nor could not abrogate the Constitution since that would be a 23 contradiction in terms incapable of being attributed to the constituent body, which may not be presumed to have lacked foresight (…) and thus it must be 28 understood that the provisions of the Constitution and those of treaties have the same standing, are complementary and therefore cannot supplant or cancel one 30 another …" (Analía M. Monges v. U.B.A., decision 2314/95. Judgement of 26 December 1996).

4. For its part, the Constitution of the Autonomous City of Buenos Aires states:

> "Article 11. All persons have the same dignity and are equal before the law.
>
> "The right to be different is recognized and guaranteed and there shall be no discrimination that might lead to segregation for reasons or on account of race, ethnic origin, gender, sexual orientation, age, religion, ideology, opinion, nationality, physical characteristics, psychophysical, social or economic status or other circumstance implying any distinction, exclusion, restriction or detriment.
>
> "The City shall promote the removal of obstacles of any kind that, by de facto limiting equality and liberty, would hinder a person's full development and effective participation in the political, economic or social life of the community."

A. National Institute to Combat Discrimination, Xenophobia and Racism

5. The National Institute to Combat Discrimination, Xenophobia and Racism (INADI) is a decentralized body established within the Ministry of the Interior by Act No. 24,515 for the purpose of formulating national policies and practical measures to combat discrimination, xenophobia and racism.

6. To accomplish this purpose, as provided for by the above Act, INADI perfo:ms the following functions:

(a) Acting as the body for implementing Act No. 24, 515 (creation of INADI) and Act No. 23, 592 (reparation of moral and material damaged occasione by discriminatory acts or omissions), as well as concordant and complementary norms, ensuring their observance and the achievement of their objectives throu analysis of the real situation nation wide concerning discrimination, xenophob and racism, and preparing reports and proposals on these issues;

(b) Planning and promoting education campaigns for the development of social and cultural pluralism and the elimination of discriminatory, xenophobi or racist attitudes, as well as participating in the implementation of such campaigns;

(c) Compiling and updating information on international law and drawin up the relevant comparative reports;

(d) Receiving and centralizing complaints about discriminatory, xenophobic or racist behaviour and keeping a record of them;

(e) Setting up a registry to gather all documents, proof and evidence related to INADI objectives;

(f) Providing a full counselling service free of charge for individual or groups who are discriminated against or victims of xenophobia or racism;

(g) Providing free advice and, at the request of the interested party, asking for the examination of judicial or administrative actions brought in matters within its field of competence;

(h) Making its specialized expertise available in cases relating to subjects within its sphere of competence to the prosecution service and the courts;

(i) Informing the public about any discriminatory, xenophobic or racis attitudes or behaviour in any field of national life, especially in the areas education, health, social welfare and employment, whether attributable to publ authorities or entities or to private individuals;

(j) Assembling prima facie evidence concerning the existence in Argentine territory of persons who during or after the Second World War participated in the extermination of peoples, or in the killing or persecution of individuals or groups of persons on account of their race, religion, nationality or political opinion, and where appropriate bringing complaints before the competent authorities;

(k) Instituting and pursuing the relevant judicial or administrative proceedings in respect of persons covered in the above paragraph when sufficie evidence exists and in accordance with the provisions of article 43 of the National Constitution;

(l) Establishing cooperative relationships with national or foreign bodies, either public or private, which have similar objectives to those of the Institute;

(m) Proposing the conclusion of new treaties on extradition to the competent body;

(n) Concluding agreements with public or private bodies and/or entities, either national or international, with a view to the accomplishment of the Institute's objectives.

7. The Act on the creation of INADI provides for the Institute to be directed and administered by a board of directors consisting of nine members:

(a) A chairman and a vice-chairman appointed by the National Executive from a list of candidates proposed by the National Congress;

(b) Four directors representing the National Executive, each to be selected from one of the offices of under-secretary in the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Education, respectively; and

(c) Three directors appointed by the Ministry of the Interior on the proposal of non-governmental organizations with a recognized background in the fight for human rights and against discrimination, xenophobia and racism.

8. In addition, it is planned to set up an advisory council consisting of persons representing non-governmental organizations specialized in combating discrimination.

9. With a view to the involvement of representatives of the non-governmental sector, a public registry will be established in the Ministry of the Interior to keep a list of interested entities.

10. Recognizing the importance of the immediate implementation of measures to eradicate discrimination, xenophobia and racism in Argentine society, the National Executive on 31 July 1997 issued Decree No. 721 setting up the body and designating an official with the rank of Secretary of State to oversee its functioning.

11. In the five months of activity of the body, as well as performing the tasks necessary for the organization and working of the Institute, INADI has largely concentrated its efforts in three directions:

(a) Publicity of issues relating to discrimination through events and campaigns to disseminate information;

(b) Surveys of opinion and attitudes concerning discrimination, xenophobia and racism;

(c) Bringing into operation a Complaints Centre using a free hot line service to receive complaints, which are acted on in the appropriate way

(counselling and/or legal advice, mediation, prosecution, etc.). Reference may be made to the information provided with respect to article 6 of the Convention.

B. Situation of refugees and immigrants

12. Without prejudice to the information supplied in the previous reports (CERD/C/299/Add.11), the following should be added:

13. The spirit of openness of the Argentine Republic in welcoming foreigners and its sound tradition on the question of migration were embodied in the 1853 Constitution and the amendments thereto.

14. There has been a net immigration of nearly 3 million Europeans, who came between 1880 and 1940 in search of a better living, and of thousands of displaced persons and refugees, including Slovenians, Croats, Russians, Poles and Hungarians, who arrived after the crises and persecutions caused by the great wars, all of whom were welcomed by Argentina.

15. In the last 80 years, it has hosted a considerable number of refugees and displaced persons, many of them coming from neighbouring countries in search of asylum because of the interruption of democratic processes in Latin America in the 1970s; 12,000 of these persons still enjoy protection from the Office of the United Nations High Commissioner for Refugees (UNHCR) and nearly 600 of that number are receiving financial assistance.

16. There are now refugees in the country of more than 20 nationalities, originating from America, Africa, Asia and Europe (Angolans, Liberians, Laos, Cambodians, Peruvians, Tamils and Cubans, among others), who are being assisted by the Argentine Catholic Commission for Migration and the Tolstoy Foundation.

17. Argentina is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol; furthermore, in 1984 the first democratic government after the dictatorship created the Refugee Eligibility Committee, the body which, within the Ministry of the Interior and with representatives of the Foreign Ministry and UNHCR, handles applications submitted.

18. The current legislation establishes no restrictions of any kind for persons recognized as refugees, whose rights and obligations are deemed to be the same as those of aliens residing legally in the country. Under the migration policy guidelines, they are granted temporary residence for a period of three years and can thereafter apply for permanent residence provided they meet the criteria for migrants to obtain permanent residence before that time (for example, because of marriage to an Argentine citizen or permanent resident, or the birth of an Argentine child), they can apply for such status.

19. Special precautions are taken to ensure the confidentiality of the requests and statements, with no mention being made of refugee status in the person's application for residence and in his later documentation. Progress has also been made in the matter of protection, with the establishment of a special procedure for extradition requests in cases involving recognized refugees and other minor legislation guaranteeing the possibility of integration in to the local labour market.

20. Changes have been made recently in the wording of the residence permit which is granted while the proceedings for recognition are underway, thus enabling the applicant also to engage in remunerated activities, and all reference to his status as an asylum-seeker is removed.

21. During the 1980s arrangements were made by UNHCR for the voluntary repatriation of refugees of Bolivian, Chilean and Uruguayan origin who, because of the processes of democratization in their respective countries, wished to return. At the same time, guarantees were provided for the stay of those citizens with such nationalities who wished to remain in the country because it was felt that the conditions for their return were not guaranteed.

22. The Argentine Republic, a traditional country of immigration, has in the last 40 years been receiving regional flows of migrants, especially from neighbouring countries, instead of the European migrants who had predominated in the first half of the century.

23. According to the latest national population census (1991), there are approximately 1,600,000 foreigners residing in the country, 50 per cent of them being nationals of neighbouring countries and the remaining 50 per cent having been born in other countries.

24. The National Constitution establishes in its article 14 the rights which are enjoyed by "all inhabitants of the Nation …" without distinction as to origin. Reference is similarly made to property and the right to a hearing. Article 20 refers specifically to foreigners and states that "foreigners enjoy in the territory of the Nation all the civil rights of a citizen: they may engage in their industry, trade or profession; own, buy and sell real estate; navigate the rivers and coasts; freely practise their religion; make wills and marry in accordance with the laws. They are not obliged to take citizenship or to pay extraordinary compulsory taxes. They may obtain naturalization by residing two continuous years in the Nation; but the authorities may shorten this term for the benefit of anyone so requesting who claims and proves services to the Republic".

25. Article 25 has since 1853 provided that the Federal Government must encourage European immigration - which at the time was the predominant flow - and also makes it impossible to restrict, limit or burden with taxes the entry into Argentine territory of foreigners who arrive for the purpose of tilling the soil, improving industries, and introducing and teaching the arts and sciences. This criterion guided the adoption of the migration laws and regulations decrees which thereafter established the criteria for the admission and stay of foreigners.

26. As in all processes of migration, the continued flow of foreigners and the impossibility of meeting the requirements laid down for obtaining legal residence gave rise to situations of irregular migrant status.

27. Various measures taken between 1983 and 1992, involving exceptional procedures for regularizing the status of migrants, enabled the legal settlement and documentation of more than 300,000 foreigners, most of them coming from neighbouring countries. Studies are at present being conducted with a view to the drawing up of agreements with the Republics of Bolivia and Paraguay, from

which most of the immigrants are now coming, and these will make it possible to streamline the procedures for dealing with nationals of those countries. In this connection, account was taken of the experience gained with Peruvian nationals in similar circumstances.

C. Indigenous populations

1. National Institute of Indigenous Affairs (INAI)

28. Although INAI could not be set up in conformity with to the Act on its creation (budgetary reasons, representativeness of the indigenous components, dispersion of areas of responsibility based on ministerial representations, provincial representations), most of the tasks that were assigned to it are being carried out. This aspect is one of the central themes of the legislative reform to be undertaken in the Congress based on indigenous participation.

29. The Institute embodies a model of management with a large component of decentralization through the participation of the provinces within the framework of consensual federalism. To that end, cooperation agreements have been signed with the provinces with aboriginal settlements, namely: Jujuy, Salta, Misiones, Chaco, La Pampa, Catamarca, Neuquén, Santa Fe, Santa Cruz, Río Negro, Chubut, Tucumán, Formosa, Tierra del Fuego and Mendoza. Nevertheless, under the legislation in force, it retains all the functions allowing for the supervision and effective application of the rights granted to indigenous peoples by the national Constitution and Act No. 23,302. In addition, it works in coordination with the programmes of the Office of the Secretary for Social Development in the Office of the President of the Nation, as well as with other bodies and institutions, both public and private, with a view to more effective implementation of the programmes.

30. The policy and activities of the National Institute of Indigenous Affairs are helping to enhance the dialogue and the relationship with indigenous communities and provincial governments with a view to observance of the rights recognized by the National Constitution for Argentina's indigenous peoples, especially on the following topics: legal personality, land, bilingual and intercultural education, participation and sustainable development of the communities.

2. Demographic information

31. While no up-to-date census information is available on the ethnic composition, number of members and areas of settlement of indigenous communities, it can be estimated that:

(a) With regard to indigenous persons living in communities, the approximate figures indicated by various sources are: between 800,000 and 1 million inhabitants belonging to 17 peoples, spread over 15 provinces and representing 1.5 per cent of the country's total population. The peoples are: Mapuche (Neuquén, Río Negro, Chubut, Buenos Aires); Ranculche (La Pampa); Wichi (Salta, Formosa, Chaco); Chulupi (Formosa), Chorote (Formosa, Chaco, Salta), Mocovi (Santa Fe, Chaco); Toba (Salta, Formosa, Chaco, Buenos Aires, Santa Fe), Pilaga (Formosa); Chiriguano (Salta, Jujuy), Chane (Salta), Guaraní Mbyá (Misiones); Tupy Guaraní (Salta, Jujuy); Tapiete (Salta); Kolla (Salta, Jujuy,

Buenos Aires), Diaguita-Calchaquí (Tucumán, Salta, Catamarca, La Rioja, Santiago del Estero), Tehuelche (Chubut and Santa Cruz), Huarpe (Mendoza, San Juan), Yagan and Ona (Tierra del Fuego). There are approximately 800 communities;

(b) In the last 20 years there has been an increasing process of migration to urban centres, involving various degrees of integration and loss of cultural identity and hence it is very difficult to estimate the number of indigenous persons living in cities.

32. INAI is arranging for the implementation of tasks in preparation for the year 2000 population census, including: recovery of memory projects; work with research centres to complete the ground work for a socio-economic and cultural survey of indigenous peoples in urban centres.

33. Furthermore, the National Register of Indigenous Communities is expected to include a database on registered and unregistered communities, and this will help shortly in keeping a record of the existing population.

3. Equality before the law

34. With regard to recognition of the customary law and customs of indigenous persons as a community and as a people - which also entails a need for means of administering of justice that will ensure the legal pluralism necessary to guarantee the rights of indigenous persons as individuals - some progress has been made. This is demonstrated by the intervention of the Defender-General of the Nation.

35. It should be pointed out here that the constitutional amendment defined the Public Attorneys' office (Ministerio Publico) as an "independent body with functional autonomy and financial autonomy", emphasizing its function of "promoting the administration of justice in defence of the rule of law and the general interests of society" (art. 120). The body is headed by the Procurator-General of the nation and the Defender-General of the Nation.

36. In connection with the so-called "Pulmarí" dispute, in which chiefs and members of Mapuche communities living in the Alumine area, province of Neuquén, are being proceeded against for the offence of unlawful encroachment, the Defender-General of the Nation personally took charge of the defence of chief Antonio Salazar.

4. Rights recognized by the Constitution since the 1994 reform (art. 75, para. 17).

Programmes undertaken

(a) "To recognize the ethnic and cultural pre-existence of the indigenous peoples of Argentina"

37. The rights recognized by the Constitution for indigenous peoples are today generating a deep politico-juridical discussion within Argentine society involving the full participation of the indigenous peoples and their communities, with a view to passing the law that will govern their scope.

38. The Programme for Participation of Indigenous Peoples (PPI), financed managed by INAI jointly with indigenous and indigenist communities and organizations, held consultations with the indigenous communities in the co to enable them to express their views, needs and expectations in connection the law reform inspired by the constitutional recognition on matters of con to them. Meetings were held in local and regional forums, culminating in a national meeting on 2 September 1997. The conclusions were submitted to th National Executive, in the person of the Secretary for Social Development i Office of the President of the Nation, Mr. Eduardo Amadeo, and reports were to the Comm ssion on Population and Human Resources and the Commission on Economy and Regional Development of the Chamber of Deputies.

39. In addition, progress is being made in implementation of the Programme Training for the Strengthening of Indigenous Institutions and Communities, coordinated by the National Centre of Community Organizations (CENOC) and financed by the World Bank, to improve participation in decision-making in self-managed projects involving 13 indigenous peoples. Regional meetings a currently taking place and a national workshop is due to be held shortly.

(b) "To recognize the legal personality of their communities"

40. There are currently more than 800 indigenous communities in the count most of which do not have legal personality as indigenous communities.

41. Prior to the constitutional recognition of 1994, by virtue of the legislation in force and because of immediate needs, indigenous communities adopted forms of association alien to their culture. This was done to obta legal personality and fulfil the requirement of the law for acts of vital relevance to them. They were thus registered in the provincial directorate legal persons, in most cases taking the form of a civil association alien t their community forms of organization.

42. While this legal regime affords the provincial legal personality to a all the communities of the provinces of Misiones, Chaco (46 communities), Formosa (110 communities), and Neuquén (33 communities), in Chubut (7 communities), in Salta (30 communities), in Río Negro (7 communities) and i Tucumán (2 communities), the majority cannot make use of it because they do maintain up-to-date supporting documentation (records of meetings and balan sheet). Pursuant to Act No. 23,302, the National Register of Indigenous Communities (RENACI) as set up within INAI by decision No. 781/95 of the Of of the Secretary for Social Development (SDS), whose function is to keep an up-to-date list of names of communities, whether registered or not register

43. On the basis of article 75, paragraph 17, of the National Constitutio SDS issued decision No. 4811/96, which substantially alters the way in whic matter is dealt with, since personality is not granted unless the pre-exist of the communities is recognized, which means that their own forms of organization and government are respected and they are entered in this way the RENACI.

44. To facilitate such recognition, INAI is signing agreements with the provinces for the introduction of provincial registers, publicizing the cri for recognition of communities, inviting and helping the communities to obt

recognition of their ancestral forms of organization and following up measures for their recognition will various bodies.

45. Agreements have been signed for the establishment of registers in the provinces of Jujuy, Chubut and Santa Fé (arrangements are being made for such agreements to be signed with the provinces of Misiones, Río Negro and Formosa). Training workshops on the recognition of personal status have been held in the provinces of Jujuy, Chubut, Santa Fé, Salta and Santiago del Estero, in many cases jointly with the Ownership Regularization Programme. A start has also been made in the process of reconversion of the persons acknowledged under the civil law regime to their traditional forms.

46. The recording of personal status in the RENACI gives rise to exemptions from payment of national taxes on land, as well as tax on earnings and value added tax, as provided for by Act No. 23,302 (art. 9) and the ruling made by the General Directorate for Taxes at the Institute's request.

47. In agreement with the National Directorate of the National Register of Persons, and within the framework of the amnesty granted for undocumented persons until 31 December 1997, INAI has executed a document regularization programme, which was carried out in the communities themselves, making sure that the vernacular form of names was respected.

(c) "To guarantee the right to a bilingual and intercultural education"

48. INAI's work is focussed on support for intercultural education and teaching of aboriginal persons, measures for cultural renewal and historical research conducted by the indigenous peoples themselves as well as educational activities and information intended for society as a whole.

49. In association with the national and provincial Education Ministries and educational communities, INAI arranges intermediate-level scholarships which include tutoring for the young scholars and workshops with teachers; tertiary- and university-level scholarships; teaching of the mother tongue, both oral and written; youth and adult literacy; development of alphabets; production of bilingual teaching materials; training of bilingual instructors and publicity throughout the population of the rights of indigenous peoples recognized by the National Constitution.

50. The Programme to Support Aboriginal Intercultural Education was set in motion in 1997 with scholarships for aboriginal pupils regularly attending intermediate-level schools (third cycle of basic general education, if locally available), who are presented by the communities themselves and where subsidies are contemplated for the students, for a tutor to assist a group of students for each cycle and for specific workshops with intermediate-level teachers. Thirty-two projects have been started in the provinces of Buenos Aires, Chaco, Chubut, Formosa, Jujuy, Neuquén, Río Negro, Salta, Misiones and Santa Fe, which cater for 617 pupils at a cost of $597,600. In 1998 a total of 1,100 pupils were sponsored in 100 intercultural educational communities at a total cost of approximately $1 million.

51. The Programme's basic tool, which has made it possible to achieve these results was the intercultural educational community. This body of

representatives of the various sectors involved - parents, tutors, teachers, directors, representatives of community organizations - took responsibility in each project for managing all its aspects: educational, economic and social. It was also responsible for the final evaluation of each project, including new elements to be taken into account in the field of intercultural education and the management of education. The tutor - as representative of aboriginal knowledge - furthermore provides reassurance for the parents in the evaluation of the pupils sponsored.

52. In order to evaluate the education programmes, various "Indigenous Communities and Education" workshops were held in December 1996 and 1997 with the participation of tutors, teachers, bilingual instructors, parents, and indigenous leaders of the Toba, Pilaga, Mocovi, Wichi, Guaraní, Mapuche, Tehuelche, Diaguita-Calchaqui, Kolla and Tupi Guaraní peoples. Multicultural participation resulted in an increase in the educational field covered and a high standard of performance of the pupils, as evidenced in the graduation of virtually all the scholars, with only a 2 per cent drop-out rate. In addition, the innovation of evaluation through the working of educational communities, as laid down in the Federal Education Act, provided new material relating to aboriginal intercultural realities that will certainly enable us to increase the held covered in formal education at its various levels.

53. In pursuance of the policies and strategies to enrich the curricula as well as the theory and practice of teaching in formal education, an agreement has been signed with the Ministry of Education of Jujuy Province to complement the activities of the Programme to Support Bilingual and Intercultural Education with the National Scholarships Programme, thus enabling the Programme to reach 600 students, who will receive grants and tutoring; there will also be workshops with teachers and a seminar for tutors to reflect on interculturality approach in education through the identification of cross-cutting issues. The results of the seminar and the work of the intercultural educational communities should provide inputs or contributions to reformulate the curricula in the light of the recognition of interculturality.

54. In 1997 scholarships totalling $152,400 were awarded to 78 students at the tertiary or university level from the provinces of Chaco, Chubut, Jujuy, Neuquén, Río Negro, Salta, Santa Fe, Tierra del Fuego and Tucumán. In 1998 grants were awarded to 100 students and a high percentage of the scholars are studying for teaching careers to overcome the shortage of bilingual instructors coming from indigenous cultures.

55. The projects given technical and financial support include:

(a) Teaching of the mother tongue, in oral and written form: Mapuche and Toba and revival of the Pilaga language through the development of an alphabet (province of Formosa); employment of Toba craftsmen as middle-level school instructors; development of new aboriginal curricula in basic general education; training in workshops to teach trades according with aboriginal culture and the economic and socio-cultural context;

(b) Training of bilingual instructors from the Toba, Wichi and Mocovi peoples in the Research and Training Centre for the Aboriginal Curriculum (CIFMA), which currently has 33 scholars and teachers from bilingual schools to

design the aboriginal curriculum within the formal education system in primary schools 1,333 and 1,334 in the city of Rosario (Toba population) and school 1,338 of Recreo (Mocovi population), together with the Primary Education Directorate of Santa Fe Province.

56. In addition, at the request of the United Nations Office in Argentina, the Universal Declaration of Human Rights was translated into the Mapuche and Toba languages for a publication to commemorate the fiftieth anniversary of the Declaration.

57. The Institute has provided technical and financial support for the production and publication of the following books, compact disks and videos:

(a) Books published:

Memorias del Gran Chaco (reprint). Authors: Encuentro Interconfesional de Misioneros (first volume, second volume in press);

Tsalanawu (book on initial literacy in Wichi and teaching notes). Course of Wichi auxiliaries from Chaco and Mónica Zidarich (teacher). (Pilot edition distributed to the aboriginal auxiliaries of Chaco, Formosa and Salta).

Chalanero (book on initial literacy in Spanish and teaching notes). Course of Wichi auxiliaries from Chaco and Mónica Zidarich (teacher). (Pilot edition distributed to aboriginal auxiliaries from Chaco, Formosa and Salta).

Pampas del Sud. Office of the Under-Secretary for Culture of La Pampa, Office of the Secretary for Social Development, Province of La Pampa.

Manos de la Memoria. Office of the Under-Secretary for Culture of La Pampa. Office of the Secretary for Social Development, province of La Pampa.

Qadede Ida¿at.. Texts. Results of the course/workshop for the development of a Pilaga alphabet held in Las Lomitas, Formosa, with the support of INAI.

(b) Books in preparation:

Reader and teaching notes for Kolla children. OCLADE team, Humahuaca, and specialists of the University of Buenos Aires-CONICET;

Pueblos originarios en Argentina. Voces del Silencio series. Volume I. INAI. Historico-anthropological research and texts: Diego Escolar. Distributed in schools throughout the country with or without an aboriginal population, and in indigenous communities. The Voces del Silencio series is also available on compact disk;

Mapudungun. Author: Lucerinta Canumil. Mapuche language teaching manual which reflects the experience of the language course given by Ms. Canumil to children from her own community in 1997;

(c) Compact disks:

Pueblos originarios en Argentina. Voces del Silencio series. Volume I. INAI. Distributed in schools throughout the country with or without an aboriginal population, and in indigenous communities. There are plans to produce nine of the most popular titles of the main indigenous peoples; produced by the communities themselves;

(d) Videos:

"Kolla", "Mapuche" and "Wichi". Three videos produced by Lucio Boschi and Javier Olivera. Final version in preparation;

"Reform of the Constitution", "Pilaga", "Mbya-Guaraní" and "Toba". INCUPO production. In preparation;

"Visiones rionegrinas". Production by the Office of the Secretary for Social Welfare of Río Negro: record of experiments undertaken jointly by INAI and the Office of the Secretary for Social Welfare of Viedma. In preparation;

(e) Other informational activities:

Course for teachers and persons interested in aboriginal issues. Ten lessons. Thirty hours. With the participation of the juridical branch and the education branch;

Sponsorship for the third "Days of Aboriginal Linguistics", held by the Linguistics Institute, University of Buenos Aires;

Workshop on education and language in Santa Victoria Este (Salta) with non-indigenous and indigenous (Chorote-Wichi-Toba) teachers;

Workshop on the Wichi writing system (with Wichi teaching auxiliaries from Chaco, Formosa and Salta).

(d) "To recognize the possession and ownership by the communities of the land they occupy"

58. INAI is responsible for maintaining all the machinery available to fulfil this constitutional and statutory requirement, including the transfer of other land suitable and sufficient for human development. It is therefore involved in indigenous land surveying; designs, executes and finances, together with the provincial governments and the communities, programmes for regularizing title to the lands they inhabit, and executes and finances the processes of expropriation and purchasing.

59. In the provinces of Jujuy, Chubut and shortly Río Negro, agreements have been or will be signed for the regularization of all fiscal lands in which indigenous communities live, namely:

Jujuy: 1,293,000 hectares; 80,343 inhabitants of more than 150 Kolla and Guaraní communities;

Chubut: 244,300 hectares of land; 5,648 inhabitants (941 families) of 20 Mapuche and Tehuelche communities;

Río Negro: 322,620 hectares for 265 Mapuche families living as a community, and plans are being made for the indigenous population scattered throughout the province.

60. A method of work has been devised for broad community participation so that the genuine voice of the communities, gathered in assemblies, can be heard directly as they express their preference concerning the form in which title to the land is granted to them and other substantive aspects of their internal organization and way of life.

61. The legal form for transfer of land title contemplated by Act No. 23,302 is community ownership. However, the guiding principle is that the decision taken by the community concerning the mode of acceptance of the land must be respected.

62. As a result of a discussion with legal theorists to ensure a uniform interpretation of the legal framework that should govern the handing over of land to the communities, and more specifically under the Ownership Regularization Programme being implemented in the provinces of Jujuy and Chubut, covering more than 2 million hectares of fiscal land, it is understood that:

(a) The qualification for restitution is traditional possession by the indigenous communities or members of such communities of the land or, where appropriate, other land suitable and sufficient for development;

(b) The conditions of ownership established by the Constitution, i.e. inalienability, non-attachability and non-transferability, always accompany these arrangements;

(c) The traditional form of land use by the communities has been "community use". However, the communities will be able to opt to receive the land in either community or individual form, with the restrictions on ownership applying in both cases. Where the community opts for the handover in individual form, the areas traditionally used by the community - watering places, pastureland, roads - must be kept for community use.

63. Communities have opted for the community form in all regions of the country. A special case has arisen in some regions of Jujuy and Chubut provinces, where because of the geographical conditions the communities are scattered over large areas and have opted for the individual form.

64. In addition, agreements have been signed with the provinces of Misiones, Formosa, Salta, Chaco, Tierra del Fuego, Tucumán and Neuquén to finance

measurements and provide the necessary technical assistance for the regularization of title of provincial fiscal land inhabited by indigenous communities, namely:

(a) Formosa: 7,182 hectares; 1,856 inhabitants of Toba, Pilaga and Wichi communities;

(b) Neuquén: 70,796 hectares; 3,185 inhabitants of 10 Mapuche communities;

(c) Misiones: 5,412 hectares; 900 beneficiaries from the Mbya-Guaraní people.

(d) Chaco: 6,348 hectares; 4,000 indigenous persons from the Toba and Wichi peoples, former Las Palmas Plant (nationally owned), of which 4,048 hectares have already been handed over and the remaining 2,300 hectares have been measured and an agreement with the communities is pending. Measurements have been completed and the transfer of title as community property is pending with respect to a total area of 18,814 hectares occupied by the Wichi people (296 aboriginal families, or 1,484 persons) in the following districts: El Vizcacheral, Fortín Belgrano, Nuevo Amanecer, Comandancia Frías, El Sauzal, El Techat, Tres Pozos, Nueva Población and El Tartagal. Measurement work has been financed and the granting of title of the indigenous land to the Meguesoxochi community association of Teuco-Bermejito is pending with respect to a total of 150,000 hectares (14 Toba communities);

(e) Salta: 307,000 hectares of the Finca Grande of Santa Victoria Oeste for the benefit of 7,000 indigenous members of the Kolla people, who make up approximately 14 communities.

65. Within this framework 5,082 hectares have been handed over to three Mbya-Guaraní communities of the province of Misiones for the benefit of 360 inhabitants (89 families).

66. With regard to the processes of expropriation it may be noted that, after 50 years of struggle, on 19 March 1997 the President of Argentina implemented the Act on expropriation granting community possession of 125,000 hectares of Finca Santiago, department of Iruya, Salta province, to the Kolla community of Finca Santiago with an investment of $5,020,000. In addition, the amount required for the expropriation of 19,000 hectares of Finca San Andrés has been duly deposited, but the transfer of title has not yet taken place since the expropriated party has initiated legal proceedings.

67. Steps are currently being taken to implement the act on the expropriation of Finca Tumbaya, providing for the hand over of land to the Kolla community of Finca Tumbaya, which covers 24,469 hectares.

68. Land has been purchased for two communities in the province of Misiones (446 hectares, 257 families) for a sum of $140,000: 2 hectares in the city of Clorinda, province of Formosa, for a Toba community in the amount of $35,512, and 2,300 hectares for the Mapuche Huisca Antieco community, department of Esquel, province of Chubut, preventing the eviction as ordered judicially.

69. Community ownership of lands of the Amaicha del Valle indigenous community, province of Tucumán, has been secured within the framework provided by the Constitution, with measurements carried out on 120,000 hectares, for a sum of $150,000, and completion of the relevant deed of title.

70. In addition, the bill put forward by the Ona people of Tierra del Fuego, which was approved unanimously at a session on 23 April of this year, has been supported and approximately 36,000 hectares have been awarded to the Ona people.

71. Administrative and financial support has been provided for the measurement and actual hand over of lands to the Mapuche communities of Cayun and Curruhuinca who live in national park areas - Lanin National Park - in the province of Neuquén (the hand over of land to the Raquitue and Canumil communities in this park is being negotiated), as well as the hand over by the Argentine army of land inhabited by the Mbya-Guaraní Mborore community in the province of Misiones.

72. The form of participation and representation in coordinating the programme is suited to the various policies and actual circumstances of the provinces. One example is the programme to be implemented shortly in the province of Río Negro.

73. In accordance with the above and to apply the effective right of the indigenous communities to participate in all aspects of the hand over and regularization of land ownerships, INAI together with the indigenous communities and the provincial government of Río Negro has helped in 1997 to give immediate effect to Provincial Act No. 2287 (1988), which created the Indigenous Communities Development Council.

74. This Council, made up of representatives of the provincial executive and representatives of the Mapuche people, will serve on a permanent basis as the institutional forum for joint management by the government and population with a view to establishing and deciding on policies to be implemented in complete observance of the traditional forms of community organization and the transfer to community ownership of the lands occupied since ancient times by the Mapuche people.

75. Two levels of decision-making and implementation have been identified. The first will have the task of defining policies and strategies, while the second is concerned with establishing working parties to ensure the attainment of the established goals.

(i) Complaints received. Action taken. Alternative methods of dispute resolution

76. On 27 March 1998, in response to various complaints appearing in the mass media, INAI conducted an inquiry into compliance with the requirements of the law and working conditions of employees on the Leleque and Maiten estates owned by the Benetton group. During this inquiry, undertaken jointly with the Office of the Under-Secretary for Labour of Chubut Province, questions were asked about the fulfilment of the enterprise's legal obligations towards permanent and non-permanent employees, their remuneration, housing, food, work of women and

minors, etc. INAI thus acted to protect the social rights of indigenous and creole workers within the framework of the legislation on agricultural labour.

77. In order to obtain information about various eviction proceedings against indigenous inhabitants, INAI adopted the working method of addressing the problems in situ, making contact with the families and/or communities affected (cases: Ana Moya, Rogelio Cayecul, Cayulef community, etc.) and the courts handling the proceedings, studying each case, giving an opinion on its merits and in many instances acting as mediator or providing a forum conducive to the reaching of an agreement among the parties.

78. INAI also interceded and took up the requests of various communities in the country, including that of the Quilmes indigenous community for archeological excavation work to be performed in the vestibule and courtyard of Quilmes Cathedral in Buenos Aires province.

79. In all cases INAI's approach was to follow up and give effect to article 75, paragraph 17, of the National Constitution, applying its provisions in respect of possession and ownership of the lands traditionally occupied by the indigenous communities.

(ii) Mediation

80. Mediation commissions have been created for the settlement of disputes affecting the Mapuche communities in the Pulmari area, Neuquén province, the Kolla communities of Finca San Andres, Salta province, and the Mapuche Vera community in San Martín de los Andes, Neuquén province. The mediation in all cases seeks to direct efforts towards an equitable distribution of land in keeping with the communities' rights.

(e) "To ensure their participation in the management of their natural resources and other matters of concern to them"

81. INAI promotes indigenous participation through technical and financial support for the implementation of projects designed to improve their quality of life, as well as through coordination with other State social programmes to provide for equal access to the benefits received by other citizens and active mediation in any disputes arising between the communities and other actors in society, especially ones that might prejudice access to and rational use of the natural resources of the lands they occupy.

82. With regard to the treatment of political issues, which are to be dealt with under Act No. 23,302 by the Coordinating Council, and the ways in which the indigenous communities will be represented on the Council, decisions are now governed by the new clause of the Constitution.

83. In conformity with national law, provision has been made for the establishment of an advisory committee, which will call on representatives of indigenous communities and organizations.

84. However, in some activities such as those under the Programme for Participation of Indigenous Peoples and the Programme of Training for Indigenous Populations of Argentina, implemented by CENOC (the body referred to

previously), recognition of the legal personality of the communities is intended to secure a leading role for them, permitting their legitimate representation.

85. Efforts are furthermore being made to set up specific bodies for coordination and representation in programmes and projects, including:

(i) Sustainable development projects

86. Sustainable development projects have been implemented with emphasis on: improvement of housing and community development, productive projects, family and community farms, provision and improvement of communications and drinking water supply, as well as infrastructure and institution building.

87. Technical and financial support has been provided to nearly 600 communities of indigenous peoples located in the provinces of Formosa, Chaco, Santa Fe, Jujuy, Salta, Misiones, Mendoza, Neuquén, Chubut, Río Negro, La Pampa, Buenos Aires and Tucumán. By way of example, we may note:

(a) Comprehensive Rural Development Programme for the Teuco-Bermejito Watershed. First stage: 73 projects concerning agriculture, water supply, bee-keeping, spinning, goat breeding, dressmaking, food production and brick works; 20 training courses are also included to support these undertakings. There are 312 beneficiary families (approximately 1,560 persons) in El Sauzalito, El Vizcacheral, El Tartagal, Tres Pozos, Wichi El Pintado, El Sauzal, Nueva Población, El Bayado, Santa Rita and Puesto Grande. In 1996, 76 community farms and 17 cotton plantations were developed for 93 communities, or 2,620 families (13,100 persons), of the Mocovi, Pilaga and Wichi ethnic groups in the province of Formosa, at a total cost of $126,014.80. In 1997, 1,582 family farms were developed in the same province. Provision of photovoltaic screens for a Mapuche radio network, including the installation of seven radios, for the recharging of batteries in the departments of Futaleufú, Cushamen, Languineo, Gastre, Telsen Tehuelches and Senguer of Chubut province, linking up 14 communities;

(b) Irrigation and supply of drinking water for the Mapuche Aigo community (Ruca Choroi), department of Alumine, province of Neuquén, executed by the Faculty of Agrarian Sciences, Comahue National University, for the benefit of 50 families (250 persons) belonging to the community; this involves collecting water from two streams (Ruca-co and Carrilil) for distribution in the community, thus providing drinking water and enabling sprinkler irrigation of one or two hectares per family. The total cost of the project is $217,502, of which INAI is making available $146,392. Funding is supplemented with contributions from the municipality of Alumine, the government of the province through COPADE, the archbishopric and the Ministry of Education of the province;

(c) Collection of water for family consumption and to irrigate organic farms in nine Wichi, Pilaga and Toba communities, for 450 families (2,480 family members and two schools with a canteen for 273 pupils) of five departments of the province of Formosa, in community dams; wind mills and elevated tanks have been installed. The total cost of the project is $91,466, of which INAI is contributing $44,561. The project is receiving technical assistance from the Faculty of Agrarian Sciences of the North-Eastern National University;

(d) Inputs for permanent monitoring of pollution levels in the Pilcomayo river, in the department of Ramón Lista, Formosa, for the benefit of 660 Wichi families, and approximately 7,500 aboriginal people in all;

(e) Inputs to complete work on storing and supplying water to dwellings, fencing off holdings and irrigating one hectare in the Ancalao community, Paraje Fita Time, province of Río Negro. The total cost of the project is $13,856, with INAI providing $6,876 and the rest coming from the beneficiaries. The Social Programme for Agriculture and Livestock Raising (PSA) will provide technical assistance for the project and the training activities planned. Non-conventional electrification (wind power) and heating for more than 100 Mapuche families in communities and districts of the departments of Telsen, Gastre, Río Senguer, Paso de Indios, Cushamen, Futaleufú and Languineo of Chubut province, covering an area of approximately 100,000 square kilometres, or 40 per cent of the total land area of the province. The inhabitants will have a wind power generating installation (70 units in all), a battery bank, luminaires, a radio receiver and a food storage facility, at an installed cost of approximately $3,200. The staff of the Regional Wind Power Centre (CREE) are carrying out the projects and the assembly of the entire installation, proceeding on the basis that most of the materials can be produced in the province. The necessary materials will be provided for building 128 Russian stoves, as used in high-latitude regions of Europe. The total cost of the project is $255,600, to be paid in five equal instalments, the first having already been made available for 1997;

(f) Plan for the Promotion of Indigenous Handicrafts. This has been under way since the end of 1997 as a tool for enhancing the value of the work and the culture of the indigenous peoples, which means catering for the craftsmen's work in the fields of education, marketing and the media, revitalizing sales and distribution channels to place the handicraft products and updating the legal and administrative instruments in the corresponding fields;

(g) Indigenous subprogramme within the Care for Vulnerable Groups Programme. This subprogramme, funded by the Inter-American Development Bank, will begin in June 1998 with a budget - in the form of a subsidy - of 5 million pesos for a period of three years to finance institution building, small-scale projects and the preparation of project support materials. The programme will channel funds to the North-eastern region (natural environment of the Tucumán-Orán forest and the arid Chaqueño park of Salta, Chaco, Formosa and Jujuy provinces. This targeting reflects the fact that more than three quarters of the non-urban aboriginal population are concentrated in the North-eastern and Chaco regions, the departments earmarked in the project being those with the greatest unsatisfied basic needs in the country as a whole;

(h) Comprehensive Development Project in the Ramón Lista department, Formosa province. With funding from the European Union, this project will commence in the second half of the current year in the Ramón Lista department with an amount of ECU 8,600,000 to assist some 6,000 indigenous persons (projects for the construction of dwellings and community buildings, self-sufficiency of market gardens and farms, bee-keeping, small livestock raising, etc.);

(i) Intergovernmental Committee for the Paraguay-Paraná Waterway (CIH). This is the institutional body for the project, which actually covers the five countries of the Plata Basin - Argentina, Bolivia, Brazil, Paraguay and Uruguay - providing an operational system suitable for the navigation of the Paraná and Paraguay rivers and adapted to the circumstances of the development of the region in general. Given that the measures to be taken by this body will necessarily have an impact on the development of the indigenous communities, especially those settled on the banks of the rivers concerned, arrangements have been made for their participation, inter alia, through the following measures:

Holding of indigenous workshops;

Participation of an indigenous Argentine delegate in CIH meetings;

Establishment of an international indigenous working group made up of representatives of the indigenous peoples of the five member countries, through the Protocol of Corrientes.

(ii) Social security, health and traditional medicine

88. With regard to systems of social security available for these populations, it has not been possible to institute one that caters particularly for their situation. However, they enjoy protection under the general scheme of allowances. For example:

Mothers with seven or more children: irrespective of civil status, all their children below the age of majority must be living with them, and they must not hold title to immovable property, in whole or in part;

Persons aged over 69 years who do not have family members obligated and having the means to support them, whether or not they live together, must not be owners of immovable property, in whole or in part;

Old-age allowance: available to persons over 80 years of age;

Incapacity: greater than 76 per cent of the total capacity declared to be normal, in accordance with the schedule of the National Social Security Administration (ANSES). Neither the applicant nor obligated family members, whether or not they live together, must be in receipt of other direct or indirect benefits;

Former Malvinas combatants: the listing of the relevant Armed Forces is closed, and hence there is no possibility of new allowances.

89. INAI has set up support facilities to manage welfare benefits and its health-care system. In a joint project with the National Welfare Benefits Commission, INAI intends to cooperate with, guide and advise people in those matters, through training workshops and regular communication with those communities for whom this subject is a concern.

90. With regard to traditional medicine, INAI provides technical and financial support to primary health-care projects in the departments of Orán, Rivadavia, Santa Victoria Oeste, Iruya, Los Andes and San Martín in Salta province and in

the capital of Formosa province, and to projects on memory recovery in the departments of Cochinoca, Santa Catalina and Rinconada in Jujuy province, the department of Cushamen, Chofila in Chubut province and the department of Tafi del Valle in Tucumán province.

(iii) Programmes

91. In view of the serious situation caused by outbreaks of cholera in the north of the country, a programme was set up under the Ministry of Health and Social Welfare to improve primary health care in indigenous communities as well as to revive their culture, and equipment and training were provided to 250 indigenous health workers in five provinces.

92. On the basis of the above, the Indigenous People's Health Programme was established in 1995 and is now in operation. Among the main achievements of the Programme, which follows an integrated approach to community health, are its coverage of 40,000 people, the recruitment of 250 indigenous health workers under agreements with the Ministry of Labour, the formation of a national interdisciplinary team with indigenous representatives, and coordination with the Mother and Child Health Directorate. The Programme is operating in Salta, Jujuy, Chaco, Formosa and Misiones provinces.

93. One of the projects that stands out is the project to improve primary health care provided by indigenous health workers and traditional midwives in the Lote 8, El Potrillo and Chorro districts of the department of Ramón Lista, in Formosa province. The project was carried out in cooperation with the Institute of Indigenous Communities, a self-sufficient body reporting to the Ministry of Human Development of the province.

(iv) Poverty and unemployment

94. The areas where indigenous communities are found are the areas with the highest levels of unmet basic needs. In fact, the areas or places where the Argentine indigenous peoples live are characterized by a marked socio-economic and territorial deterioration, often aggravated by economic and cultural decline, the migration of the population to other areas in search of work, the scarcity of work in productive activities (the economy being basically one of subsistence) and the inadequate and poor performance of the social services.

95. Although no census figures are available to show the impact of the economic crisis on the indigenous population, there is some indirect information to indicate that poverty and unemployment in that population have increased.

96. Finally, it should be pointed out that the standard of the policies and activities of INAI has led the Ombudsman to conclude that the recommendation made to the Chief of the Cabinet of Ministers, that he should take the necessary steps to allow the proper functioning of the National Institute of Indigenous Affairs, has been carried out (see Ombudsman, action 2579: "Argentine Parliamentary Support Group for Indigenous Peoples concerning the request for assistance from the Ombudsman in the implementation of Act No. 23,302 on indigenous policies and support for indigenous communities").

II. Article 3

97. As is clear from the information provided earlier (CERD/C/299/Add.11, para. 36), apartheid is not practised in the Argentine Republic. In cases where a member of the international community has applied this type of policy, democratic Argentina has been an outspoken advocate of its abolition.

III. Article 4

98. As mentioned in the eleventh to the fourteenth national reports (CERD/C/299/Add.11, para. 37), Act No. 23,592 of 21 August 1988 increased the penalties set out in the Penal Code "when the offence committed concerns the persecution or hatred of a race, religion or nationality, or is intended to destroy wholly or in part a national, ethnic, racial or religious group".

99. Under the penal legislation, a racist motive is an aggravating circumstance of the basic kind (e.g. in cases of homicide). Act No. 23,592 increased the minimum penalty by a third and the maximum penalty by a half for any crime committed with that motive, and provides for prison terms of between one month and three years for anyone who is a member of an organization or who produces propaganda that is based on ideas or theories of the superiority of a race or group of people of a particular religion, ethnic origin or colour which are intended to justify or encourage racial or religious discrimination in any form. It also provides for penalties for anyone who in any way encourages persecution or hate of a person or group of persons on account of their race, religion, nationality or political ideas. For details of the judicial decisions in application of these regulations, see the information provided below in connection with article 6 of the Convention.

IV. Article 5

100. The enjoyment and exercise of all the human rights protected under the present legal system in the Argentine Republic are provided for in respect of all inhabitants of the Republic. As defined by the Argentine Supreme Court of Justice, the term "inhabitant" covers both Argentine nationals and foreigners, and refers to persons residing in the territory of the Republic with the intention of remaining in it, even though they may not have established domicile with all its legal effects.

101. Without prejudice to the above, the case law mentioned has been complemented by the rules in the human rights treaties that bind the State in respect of the people under its jurisdiction, and which are applicable to non-residents. This interpretation is backed up by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, which brook no distinction in their application between residents and non-residents.

102. As stated in the earlier report (CERD/C/299/Add.11), none of the rights set out in article 5 of the Convention are subject to any restrictions on grounds of race, colour or ethnic or national origin, except for political rights, which, as in other countries, are subject to certain restrictions based on nationality.

103. In chapter 1 of the Constitution, entitled "Declarations, rights and guarantees", article 20 states:

> "Foreigners enjoy in the territory of the Nation all the civil rights of a citizen: they may engage in their industry, trade or profession; own, buy and sell real estate; navigate the rivers and coasts; freely practise their religion; make wills and marry in accordance with the laws. They are not obliged to take citizenship, or to pay extraordinary compulsory taxes."

Specific rights

104. At this point, the reader is referred to the third periodic report of the Argentine State submitted under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/ARG/98/3) and its second report under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.16). What follows is presented without prejudice to the above, and by way of synthesis.

105. Under article 16 of the National Constitution, all inhabitants are equal before the law. The country's Supreme Court of Justice has interpreted this provision to mean that the guarantee of equality before the law consists in establishing equal legal treatment for persons in largely similar circumstances. Consequently, this guarantee does not prevent the legislature from treating differently situations which it considers different, provided that the distinctions are not based on arbitrary criteria, undue favour or disfavour, personal or class inferiority or privilege, or unlawful persecution. In language that is already over a hundred years old, the article covers much the same ground as article 24 of the American Convention on Human Rights and article 26 of the International Covenant on Civil and Political Rights, as well as the concordant standards of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man, all of which also enjoy constitutional status.

106. The reader is referred to the information provided in the third periodic report submitted under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/34/Add.5).

107. In accordance with article 1 of Decree No. 2135 of 18 August 1983, approving the amended text of the National Electoral Code (Act No. 19,945 as amended by Acts Nos. 20,175, 222,838 and 22,864), citizens of either sex may vote provided that they are nationals by birth or by naturalization, over 18 years of age and without any of the disabilities listed therein. Article 2 specifies who is excluded from the electoral list. With regard to detainees and prisoners, paragraphs (d) and (k) stipulate the length of time during which they are ineligible to vote. A repeal of these provisions is currently under study, at the request of the Government Procurator for the Prison System.

108. With regard to equal opportunities for participating in the Government, the National Constitution provides as follows:

Article 16: "… All inhabitants are equal before the law and admissible for employment without any other requisite than fitness…"

Article 37: "… Real equality of opportunity for men and women in access to elected and party office is guaranteed through positive actions in the regulation of political parties and in the electoral system."

Article 48: "To be a deputy it is necessary to have attained the age of twenty-five years, to have been a fully qualified citizen for four years, and to be a native of the province that elects the deputy or to have had two years' residence therein immediately preceding the election."

Article 55: "The requirements to be elected senator are: to have attained the age of thirty years, to have been a citizen of the Nation for six years, to have an annual income of two thousand pesos or equivalent salary, and to be a native of the province that elects the senator or to have had two years' residence therein immediately preceding the election."

Article 89: "To be elected President or Vice-President of the Nation, one must be born in Argentine territory or, if one is born in a foreign country, one must be the child of a native citizen; and one must possess the other qualifications required to be elected senator."

109. It is worth recalling, as noted in the previous report, that since the constitutional reform of 1994 it is no longer necessary to be a member of the Roman Catholic Church to be President of the Republic, as was the case under the National Constitution of 1853/1860.

110. The right to travel freely through national territory is fully guaranteed, with no requirements or formalities to hamper the exercise of that right. The freedom of movement of foreigners living in the Republic is guaranteed, even in cases where residence is permitted on condition that they establish their domicile in a particular part of the country.

111. According to article 14 of the National Constitution:

> "All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely … entering, remaining in, travelling through and leaving Argentine territory…"

112. Pursuant to Act No. 346, the following are Argentine:

(a) All persons born or who may be born in the territory of the Republic, whatever the nationality of their parents, except for the children of foreign ministers and diplomatic staff residing in the Republic;

(b) Persons born in a foreign country whose parents are native Argentines and who opt for citizen programme ship of their country of origin;

(c) Children born in legations or on warships of the Republic;

(d) Children born in neutral maritime territory under the Argentine flag.

113. Nationality is acquired independently of matrimonial or extra-matrimonial filiation and of the person's sex. It is therefore clear that under the

legislation in force, men and women enjoy the right to nationality on equal terms.

114. The provisions of the above-mentioned Act establish that the children of a native-born father or mother shall have citizenship upon request simply by producing evidence of that fact. In the case of children under 18 years of age whose father or mother is a native Argentine, and who are not recognized as nationals of the State in which they were born, or who for any other reason are stateless, Argentine citizenship may be requested by the person exercising parental authority, provided that they produce evidence that the minor meets the above conditions. This amendment was introduced in Decree No. 231/95 of 2 August 1995 which, in addition to what was mentioned earlier, allows the necessary procedure to be carried out in Argentine consular offices, without the need to resort to the Federal Judiciary.

115. The following progress in respect of the enjoyment of the right to nationality should be highlighted:

(a) The current Argentine legal system makes no provision for the loss or cancellation of Argentine nationality. Pursuant to Act No. 23,059, Act No. 346, as amended by Acts Nos. 16,081 and 20,835, is established as the law in force, and all other amendments, including those in Act No. 21,795 on the cancellation and loss of nationality, are repealed;

(b) The regulations in article 3 of the above-cited Act "declare invalid and without legal effect the losses and cancellations of Argentine nationality … as provided for in the articles … of de facto Act No. 21,795 and those produced when de facto Act No. 27,610 was in force", it being established in its article 4 that "those affected by these provisions shall recover their Argentine nationality … automatically as from the entry into force of this Act…";

(c) Act No. 24,533 introduced amendments to articles 10 and 11 of Act No. 346. This revision deals with ways to streamline the procedure for obtaining naturalization papers.

116. According to the present rules, the definition of marriage is: the giving of full and free consent by the man and woman in front of the authority competent to perform the ceremony. The law sets the minimum age for marriage at 16 for women and 18 for men. If the above-mentioned requirements are not met, the marriage is invalid. It follows that everyone is absolutely free to choose a spouse and get married.

117. According to article 14 of the National Constitution:

> "All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely … using and disposing of their property…"

And according to article 17:

> "Property is inviolable, and no inhabitant of the Nation can be deprived thereof except by virtue of a judgement founded on law. Expropriation for reasons of public utility must be authorized by law and compensated in advance… All authors or inventors are exclusive proprietors of their work, invention or discovery for the term granted them by law. The confiscation of property is hereby abolished for ever from the Argentine Penal Code…"

118. The provisions on succession are stipulated in the Argentine Civil Code. In that respect, articles 3279, 3288 and 3289 provide as follows:

Article 3279: "Succession is the transfer of the active and passive rights that make up the inheritance of a dead person to the person who survives and who has been designated to receive it by law or by the testator. The person designated to receive the estate is called the 'heir' in this Code."

Article 3288: "All natural or legal persons enjoy the ability to inherit or receive an estate, unless otherwise provided for in the law."

Article 3289: "There are no legal disabilities that apply to inheriting or receiving an estate…"

119. It follows from the foregoing that there are no legal impediments in the Argentine Republic to prevent anyone, either in law or through a will, from receiving an inheritance.

120. According to article 14 of the National Constitution:

> "All inhabitants of the Nation enjoy the following rights, in accordance with the laws that regulate their exercise, namely … publishing their ideas through the press without previous censorship…"

And according to article 19:

> "For private actions that in no way offend against public order or morality or injure a third party, men are answerable only to God; such actions are exempt from the authority of judges. No inhabitant of the Nation shall be obliged to do what the law does not command or be deprived of what it does not prohibit."

121. On the question of freedom of religion, article 20 refers particularly to foreigners and stipulates that "they enjoy in the territory of the Nation all the civil rights of a citizen; they may … freely practise their religion…"

122. In addition to the above, there are rules to support the freedom of religion enjoyed by all inhabitants of the Argentine Republic. Thus, as was noted in the core document forming part of the reports of States parties, submitted by the Argentine Republic on 1 July 1996 (HRI/CORE/1/Add.74), and without prejudice to the recognition of freedom of worship in the first Argentine National Constitution of 1853, it can be said that Argentina is basically a Catholic country owing to its historical and cultural traditions.

Article 2 of the current Constitution accordingly states that "the National Government supports the Roman Catholic faith," referring to the financial support given to the institutions of the Roman Catholic Church.

123. As noted earlier, since the constitutional reform of 1994 it is no longer necessary to be a member of the Roman Catholic Church to be President of the Republic, as was the case under the National Constitution of 1853/1860. Similarly, members of religious communities of a certain size in the country enjoy paid religious holidays: this is the case for members of the Jewish community, who are entitled to paid religious holidays under Act No. 24,571 to mark the main Jewish feasts - the Jewish New Year (Rosh Hashanah), the Day of Atonement (Yom Kippur) and Passover (Pesah) - and for members of the Muslim community under Act No. 24,757 of 28 November 1996, which declares as non-working days for all inhabitants who are followers of Islam the Muslim New Year (Hegira), the day marking the end of the Ramadan fast (Id al-Fitr) and the Feast of Immolation (Id al-Adha).

124. The right of peaceful assembly is fully guaranteed in Argentina under the current regulations on forming trade unions and political parties and on the right to strike.

125. The reader is referred to the second periodic report submitted by Argentina under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.16) for substantive information on article 5 (e).

126. The right of access to public places and services is guaranteed by all the regulations in force that establish the principle of non-discrimination.

V. Article 6

127. In addition to the governmental resources and complaints centres discussed in the previous report, and on the basis of the anti-discrimination provisions in article 4 of the Convention, in April 1998 the first open trial was held of three individuals charged with the crime of causing "serious injuries aggravated by having been committed for reasons of racial or religious hate", in accordance with the law against discrimination. As a result of the trial, Federal Court No. 3 sentenced the three defendants to three years in prison.

128. A similar case concerned four people tried for crimes under the law against discrimination. The charges against them were related to the discovery of pamphlets containing anti-Semitic material, which had been distributed in a public thoroughfare.

129. The Morón public prosecutor assigned to the case called for a two-and-a-half-year prison sentence for the leader of the group accused of printing and distributing the tracts, which clearly incited racial hatred and persecution, and a two-year suspended sentence for the other three persons involved. For its part, the complainant, the Delegation of Argentine Jewish Associations (DAIA) called for the maximum three-year sentence for the leader of the organization and two-and-a-half years for the others involved.

130. On 26 May 1998, the federal judge of Morón, Jorge Rodríguez, sentenced Dr. Ricardo Russo to three years in prison for possession of anti-Jewish pamphlets and for breaking the law against discrimination. The judge also handed down two-year suspended sentences to the other three defendants, Juan Nuñez, Emilio Cañete and Aparicio Torres.

131. The accused had been arrested in October 1996 during an investigation into the desecration of graves in the Jewish cemetery in La Tablada. On that occasion, they had been released for lack of evidence linking them with the act.

132. Also during the period covered by this report, former Captain Dinko Sakic and his wife were extradited to Croatia to be tried for war crimes committed during the Second World War, in relation to events that took place in the concentration camp in Jasenovac. The request for the extradition of the Sakic couple was handled by the federal court of Dolores. The Presidential Decree of 15 May 1998 (Dinko Sakic) authorized the extradition since "there appeared to be reasonable grounds for suspecting that the accused had committed crimes against humanity and international law". This step accords with the position of the Argentine State that crimes against humanity committed for racist motives must not go unpunished.

133. In addition to the action described in paragraphs 45-51 of the previous report, efforts to combat this kind of act are centred on implementing the full range of activities of the National Institute to Combat Discrimination, Xenophobia and Racism (INADI).

INADI Complaints Centre

134. A free telephone hotline was set up to receive complaints about discrimination, xenophobia and/or racism, and provides a record of complaints to be dealt with by the team of experts from INADI. By December, 1,192 complaints had been received, involving various kinds of discrimination based on gender, sexual preference, disabilities, ethnic origin, religion, etc.

135. The following are some of the cases dealt with on the free hotline (0800-69408) set up by INADI to receive complaints of discrimination:

(a) Mirtha, a mother aged 22, wanted to become a "volunteer firefighter" but was told at the Gregorio de Laferrere fire station that she could not because she was a woman. When her complaint was received, informal mediation was undertaken to bring the two sides together, start up a dialogue and overcome the lack of communication that is typical of every case of discrimination. Today Mirtha has joined the ranks of volunteer firefighters at the Gregorio de Laferrere fire station;

(b) Elvira entered two rifle-shooting competitions run by the Argentine Shooting Federation. The first time she entered, last year, she won, but her victory was not counted because the Federation's rules do not entertain the possibility that a woman might win a competition of this kind. She was promised that the rules would be changed in the next year. This year, Elvira again took part and came second, only to be discriminated against once again. This time, while legal proceedings were being prepared, the Ministry of Justice was asked

to make representations to the Argentine Shooting Federation with a view to amending the discriminatory rules governing that body's activities;

(c) Claudinho, a black Brazilian citizen, was turned away when he tried to go into the "Zarapatusa" dance club in the city of Rosario. INADI intervened and a complaint was lodged with the court of minor offences of Rosario, which led to the closure of the club as a preventive measure. Actions were also started in the city's criminal court under Act No. 23,592, on discriminatory acts;

(d) A group of women employees selling a popular consumer product complained that their female supervisor was continually threatening them that they would be replaced by a male sales team. After talks with the directors of the prestigious company, the firm decided to dismiss the supervisor for her discriminatory behaviour.

VI. Article 7

136. In addition to the subjects on the curriculum in training colleges for the police, prison staff and other security forces, law-enforcement officers periodically receive training at special seminars. In recent years, this has been possible within the framework of the technical cooperation programme with the United Nations Centre for Human Rights under the coordination of the Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior. In line with this thinking, police and prison staff have received courses from national and foreign experts:

- 1996: "First course for high-ranking officers of the police of Chaco province".
- Location: city of Resistencia, Chaco province.
- Date: October 1996.
- Participants: 40 high-ranking officers of the Provincial Police of Chaco.
- Organizers: Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior, with the cooperation of the United Nations Centre for Human Rights.
- Objectives: Raise awareness of current standards for the respect and protection of human rights that are relevant to the work of police forces.
- Outcome: The topics were agreed upon in advance. Analysis of problems at the provincial level, with the participation of provincial speakers and with the collaboration of a non-governmental organization, was added to the traditional study of international standards. Copies of human rights instruments were given to participants. It should be mentioned that a commissioner of the Federal Police of Argentina, who had helped organize previous courses for that institution, presented the topic of care for the victims of crime.

- 1997: "Human rights course for high-ranking staff of the police forces of the Patagonian region".
- Location: city of Viedma, Río Negro province.
- Date: 30 June to 4 July.

- Participants: 47 high-ranking officers of the police forces of Río Negro (35 officers), Neuquén (5), Chubut (3), Santa Cruz (2) and Tierra del Fuego (2).
- Objectives: Analyse national and international rules concerning human rights of relevance to the work of police officers; study the particular role of police officers in the prevention of violations and the protection of human rights.
- Organizers: Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior, the Regional Office for Human Rights and Community Relations in Río Negro in the framework of the "Strengthening Human Rights" project implemented with the support of the United Nations Centre for Human Rights.
- Outcome: The provincial institutions invited interested officers to apply for places on the course. Most of the officers were officers of the higher ranks, who attended voluntarily. Police superintendents and directors of police training institutes attended.
- Topics included the consideration of problems specific to regions, presented in a "forum" at which police officers attending the course made presentations on subjects they considered relevant: indigenous people (Río Negro) and community policing (Chubut). A representative of a non-governmental organization and the Director of the Victim Care Centre of the Argentine Federal Police also attended.
- The presentations were recorded and will be prepared by the police force of Neuquén for publication and subsequent circulation among the various police forces.

Table 1

Activities in the area of training, promotion and dissemination carried out by the National Promotion Directorate of the Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior (1996-1997)

Date	*Activity*	*Objectives*	*Outcome*
31 May - 1 June 1996, Salta	Seminar: "Human rights and public-sector management", for officials of the provincial executive authority	Analyse the responsibilities of the various departments and their relation to the protection of human rights	Training of 60 officials and provision of advisory material
4-7 June 1996, Annex H, National Chamber of Deputies	Course: "Constitutional reform and human rights: their impact on criminal matters"	Promote the implementation in court decisions of the human rights treaties incorporated in the National Constitution	Given the places available, 53 judges and high-ranking judicial officers attended
7-11 October 1996, Resistencia, Chaco	First course for high-ranking officers of the police of Chaco province	Introduce current standards for the observance and protection of human rights that are relevant to the work of police forces	By invitation only, 40 high-ranking officers of the provincial police attended, and were provided with advisory material

Date	*Activity*	*Objectives*	*Outcome*
21-24 October 1996, Salta	First seminar on human rights for unit coordinators of the Ministry of Education and Justice of Salta	Bring the operational unit coordinators of Salta province up to date in human rights matters, so that they can help incorporate them in the curriculum of the schools for which they are responsible	Training of 60 teachers who are unit coordinators
4-8 November 1996, Mar del Plata	Regional course on the preparation and presentation of reports for the international treaty bodies	Provide specialized training to public employees of States parties on aids for preparing and presenting the reports prescribed by international treaties	Training of 30 officials nominated by the ministries of foreign affairs of the countries of the Latin American region, the Caribbean and Equatorial Guinea
20-22 November 1996, Córdoba	Seminar on human rights for members of the Federal Council of Courts and High Courts of the Argentine provinces	Analyse the impact of constitutional reform in human rights matters; the limits on the State's coercive power; Argentine cases and the international system of human rights protection	Analysis, discussions and conclusions of the judicial officers attending (40 judges and trial judges)
5-6 December 1996, in the federal capital	Seminar: "International Criminal Court"	Analyse the State's responsibility and individual criminal responsibility, and the draft codes of offences and crimes against the peace and security of mankind; and the Statute of the International Criminal Court	Great interest shown by participants in the panels and discussions
6 March 1997, Viedma, Río Negro	Human rights training course for police officers and trainers from the police force of Río Negro	Study human rights principles and their relation to the work of the police	Training of 30 police officers and 15 teachers from police training colleges
22 April 1997, Concepción del Uruguay, Entre Ríos province	Symposium: "Inter-American system of protection of human rights" for judges, public prosecutors and defenders of the criminal courts	Study the inter-American system of protection of human rights and analyse the international responsibilities of the State in the matter	Updating training of 60 officials from the provincial judiciary
23 April 1997, Paraná, Entre Ríos province	Symposium: "Inter-American system of protection of human rights" for judges, public prosecutors and defenders of the criminal courts	Study the inter-American system of protection of human rights and analyse the international responsibilities of the State in the matter	Updating training of 60 officials from the provincial judiciary
6-7 May 1997, Mendoza	Symposium: "Inter-American system of protection of human rights" for lawyers	Understand the scope and implications in professional practice of the constitutional status of human rights treaties	Updating training of 70 professionals from the Bar Association of the province

Date	*Activity*	*Objectives*	*Outcome*
12-15 May 1997, city of Buenos Aires	"Second symposium on the prison system and human rights", for officials of the Federal Prison Service, public prosecutors and judges, featuring foreign experts	Analyse conflictual elements of prison life; promote the correct interpretation of constitutional clauses and the implementation of human rights standards relating to the situation of persons deprived of their liberty	Updating training of 60 people with an interest in prison problems, through workshops designed for that purpose
30 June - 4 July 1997, Viedma, Río Negro province	"Human rights course for high-ranking staff of the police forces of the Patagonian region", featuring international police officers who are experts on human rights	Analyse current national and international human rights standards that are relevant to the work of police officers; and study the particular role of police officers in the prevention of violations and the protection of human rights	Updating training of 47 high-ranking officers of the police forces of the Patagonian region, who took part in workshops and made presentations on relevant topics
11-12 July 1997, Salta	"Human rights course for the Public Attorneys Office of Salta province", for public prosecutors and defenders from the provincial judiciary	Study the way the inter-American system of protection of human rights works and analyse the American Convention on Human Rights	Updating training of 36 public prosecutors and defenders from the provincial judiciary
21-23 October 1997, Resistencia, Chaco	In-depth courses on human rights for teachers at the three levels of the provincial education system	Study the concepts of the human being, society and the State implied in human rights principles and standards; analyse strategies and methods to integrate human rights into education	Updating training of 100 primary, high-school and university teachers in the content and methods of teaching human rights in the educational system
10-12 November 1997, La Plata, Buenos Aires province	"Human rights seminar", for judges and lawyers, featuring international experts	Analyse the responsibility of judges and magistrates in the implementation of human rights standards	Updating training of 150 judicial officers; analysis of the recommendations and rulings of the inter-American human rights bodies
14-15 November 1997, Santa Rosa, La Pampa	"Course on the Inter-American system of protection of human rights" for judges and magistrates, featuring international speakers	Provide an update on human rights theory and promote the implementation of human rights standards	Updating training of 80 judges and magistrates from the Patagonian region; analysis of cases, recommendations and judgements of the Inter-American Court of Human Rights

Table 2

Activities carried out by the Institute for the Promotion of Human Rights (1996-1997)

1996	• Seminar on "Twenty years on: democracy and human rights", held in the city of Mendoza • Lecture on "Social work and human rights", at the National Meeting of the Federation of Academic Departments of Social Work, in the Social Sciences Faculty of the National University of San Juan • Seminar on "Human development and affirmative rights action", held in the city of Formosa • Participation in the seminar on "Human rights and public-sector management", held in the city of Salta • Seminar on "Violence and discrimination", held in Viedma • Lecture on "Social work and human rights", in the Social Services Institute in Corrientes • Seminar on "Violence and discrimination", held in General Roca, Río Negro • Seminar on "University and human rights", held in the National University of San Luis • Participation in the seminar on "Women and human rights", organized by the Social Sciences Faculty of San Juan • Seminar on "Social work and human rights", held in the National University of Cuyo • Seminar on "Violence and discrimination", held in Bariloche • Presentation of the book "Twenty years on: democracy and human rights, a challenge for Latin America", in Mendoza, Buenos Aires (and shortly afterwards in Santiago, Chile)
1997	• Seminar on "Violence and discrimination", held in Bariloche and El Bolsón, jointly organized with the Provincial Human Rights Office of Río Negro and the National University of Comahue (20-22 March) • Presentation of the book "Twenty years on", proceedings of the seminar held in Mendoza in March 1996 (5 May in Santiago, Chile, and 6 May in Mendoza) • Seminar on "Science, peace and human rights", held in the Balseiro Institute in Bariloche between 12 and 16 May. It was attended by 30 scientists working in the natural sciences and by teachers and researchers from universities and from the national science and technology system. Sponsored by the National Secretariat for Science and Technology and the National University of Cuyo, it was also attended by international experts • Round table on "Sectarianism, religious intolerance and human rights", held jointly with the National University of Quilmes in preparation for the first international workshops on "Religion, society and human rights", and with the participation of members of various religious orders • Essay-writing competition for university teachers on "Forming a new concept of human rights", jointly organized with the Argentine branch of the World University Service and the National University of Quilmes • "Workshops on social work and human rights", held on 7 August in the auditorium of the Centre for Advanced Studies of the University of Buenos Aires, and organized by the Social Work Department and the Extramural Studies Secretariat of the Graduate Office of the University of Buenos Aires. The book "Human rights: ethical commitment of social work", a collection of contributions to a seminar held in the National University of Cuyo, was presented at the workshops • First international workshops on "Society, religion and human rights", held in the National University of Quilmes from 29 to 31 October, organized jointly with that university and the Office of the Under-Secretary. It was attended by international experts as well as by bishops and dignitaries representing the Catholic and Methodist churches and the Jewish religion, among others • National meeting on "University and human rights", held from 3 to 5 November in Río Ceballos, Córdoba, in which 11 national, one private and three Latin American universities participated • Training modules for staff on "Controlling social conflict", organized by the National University of San Juan, in October and November • First workshop on "Human development and affirmative rights action", jointly organized with the National University of Comahue and the Governments of Río Negro and Neuquén on 10 and 11 December

Table 3

Activities carried out by the Federal Council of Human Rights (1996-1997)

7 June 1996	Fifth meeting of the Federal Council of Human Rights	Updating the programmes of the Office of the Under-Secretary: Promotional strategies; Memory and historical reparation, techniques and prevention; Convention on the Rights of the Child; Communications policy for 1996. Attended by 18 representatives.
21 October 1996	Presentation of the book "Critical thinking on human rights"	Publication of selected lectures from the four seminars organized by the Federal Council of Human Rights, published by EUDEBA. Attended by 120 people.
11 April 1997	Sixth meeting of the Federal Council of Human Rights	Updating the programmes of the Office of the Under-Secretary: Progress in building the computer network; New international conventions; Stocktaking and perspectives for 1997 and 1998. Attended by 17 representatives (including the representative of the city of Buenos Aires).

137. A total of 1,940 officials of the executive, legislative and judicial authorities of various provinces of the country have been trained within the framework of the activities of the Federal Council of Human Rights.

138. The activities that were begun and those that were continued in 1998 can be added to the information given in the tables above:

- A radio and television campaign is under way to publicize the Universal Declaration of Human Rights;

- Copies of the Universal Declaration were made and distributed in educational institutions and other public buildings;

- Informal human rights education programmes have been carried out jointly with governmental, non-governmental and international organizations to train public officials (from the national and provincial civil service) in the theoretical and practical aspects of human rights;

- In the framework of the cooperation agreement between the Argentine Government and the Office of the United Nations High Commissioner for Human Rights, law-enforcement officials (from the police and security forces, judges, etc.) have been trained;

- Courses have been given to teachers at all three levels of the educational system;

- Agreements on technical cooperation and assistance have been signed with national and private universities from many parts of the country, and joint activities undertaken;

- The journal "Hechos y derechos" ("Actions and rights") continues to be published, along with various new publications on human rights issues;

- Thanks to the Federal Council of Human Rights, the proposal to carry out activities as part of the United Nations Decade for Human Rights Education was made a reality throughout the country. The provinces of Mendoza, Río Negro, Neuquén, Salta, San Luis, Chaco, Santa Fé, Entre Ríos, Buenos Aires and La Rioja all participated in the activities.

139. Below are details of the schedule of activities planned for 1998 as part of the Decade for Human Rights Education.

March

Purchase of 400 specialized bibliographic items on the subject of human rights for the documentation centre of the Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior. The purchase was funded under a cooperation agreement with the Office of the United Nations High Commissioner for Human Rights;
A course on human rights for civil servants was held (five sessions between 9 and 23 March).

April

On 2 April, the Office of the Under-Secretary for Human and Social Rights of the Ministry of the Interior and the General Labour Confederation signed an agreement whereby they undertook to help consolidate the democratic system by improving the enforcement of fundamental rights. The basic aims of the agreement include helping to train human resources in promotion, prevention, guidance and assistance in the field of human rights and carrying out activities in the framework of the objectives and the Plan of Action of the Decade;

Launch of the national poster and logo competition to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights;
Inclusion of a caption referring to the fiftieth anniversary of the Universal Declaration of Human Rights in all the programmes of the Columbus theatre in the city of Buenos Aires;
Celebration of the fiftieth anniversary of the American Declaration of the Rights and Duties of Man: lecture by Dr. Héctor Gross Espiel in Government House Museum;

Publication of "The administration of justice and human rights". a selection of lectures by national and international experts;

Seventh meeting of the Federal Council of Human Rights.

May

Training course on human rights for police commanders from Santa Fé province;

"Training for trainers of police" workshops, for officials who had already attended a course similar to the one in Santa Fé, and given previously in Buenos Aires, Resistencia and Viedma;

On the 9th, 16th and 23rd, a "Training for trainers" course was provided for teaching staff from teacher-training colleges in the city of Buenos Aires;

First meeting to set up a national team of human rights trainers for police officers, held in the city of Buenos Aires;

Exhibition and prize-giving for the national poster and logo competition to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights (National Museum of Fine Arts, city of Buenos Aires);

Round table on "Values and human rights at the end of the twentieth century" (Sala Leopoldo Lugones, at the Book Fair).

June

General course on human rights for agents of change (three sessions);

Publication of issue No. 5 of the journal "Actions and rights", devoted to the fiftieth anniversary of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man;

Human rights workshop (city of Buenos Aires);

Workshop for intermediate-level teachers of La Pampa province.

July

Andean Musical Ambassadors: choral concerts by Música Esperanza in the provinces of Jujuy, Santiago del Estero, Tucumán, Córdoba, Santa Fé and Buenos Aires;

Model sculpture competition: prize provided by the Office of the Under-Secretary for Human and Social Rights.

August

Workshops on "Processing information on human rights", for librarians and directors of libraries or documentation centres;

Seminar on "Social policies and human rights", for teachers of all levels, university graduates and students (Salta province);

Workshops on "Community involvement and the observance of the rights of the child and adolescents" (Mendoza province);

First technical meeting of the Inter-University Human Rights Network, University of Lanus, province of Buenos Aires.

September

Training courses will be held for public defenders and for judges and judicial officers.

October

Human rights course update for teachers;

Between the 8th and the 14th, there will be screenings of films and videos from the Southern Common Market (MERCOSUR) and the European Union on the fiftieth anniversary of the Universal Declaration of Human Rights;

Competition for paintings on human rights.

November

Concert to mark the fiftieth anniversary of the Universal Declaration of Human Rights (Columbus theatre).

December

Fiftieth-anniversary sports cup, to be hosted by the Club de Amigos in the city of Buenos Aires;

Planned publication of "The police and human rights", a collection of selected specialist lectures.

140. Without detracting from the above, the project called "Kites with a message: small bridges to fraternity" deserves a special mention. The objective of the "School to school" project is to promote cultural and recreational exchanges between urban and rural schools in Neuquén province, in a novel approach to the rights of the child.

141. For its part, the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) has carried out various activities.

142. In order to increase people's awareness of the problems related to discrimination, xenophobia and racism, INADI has begun a series of promotional and dissemination activities:

- The *"Enough of discrimination!" campaign*, carried out jointly with the USA Network television channel with the aim of combating every form of discrimination by involving celebrities from the world of culture;

- *Spreading the message in schools*, ongoing talks in secondary schools to encourage students to become actively involved in combating discrimination;

- The *"Politics of difference" conference* organized by INADI in Government House on 23 October 1997, with the participation of the regional delegate of the International Organization for Migration, Dr. Lelio Mármora; Dr. Angel Escudero de Paz, director of the United Nations information service; the Director of the Centre for Latin American Migration Studies, Dr. Mario Santillo; and the Director of the Sociology Department of the Faculty of Social Sciences at the University of Buenos Aires, Néstor Cohen;

- *Children's "anti-discrimination" drawing competition*, broadcast on the USA Network television channel under the auspices of INADI, for fourth-grade Argentine schoolchildren. The winning picture was put on display in Garraham Hospital on 8 November 1997;

- *Ceremony involving the Bolivian community in Argentina*, held on 4 December in the Columbus Room of Government House, designed to highlight the historical ties between our countries and the need to encourage greater cultural integration;

- *Meeting with the Towns' Commission for Urban Development* of the city of Buenos Aires, held in Government House on 9 December, with the aim of analysing the problems of discrimination linked to poverty and urban development;

- *Meeting with representatives of Asian communities* to analyse progress in and obstacles to the integration of immigrants from China, Japan and the Republic of Korea;

- *The setting-up of regional branches* to run activities more efficiently: INADI has set up regional branches in Santa Fé and Entre Ríos provinces, and a sub-branch in Avellaneda, Buenos Aires province. This process of decentralization of the Institute will continue during the forthcoming year;

- *Cooperation agreements* to combat discrimination, xenophobia and racism, which have been drawn up with various institutions, such as the University of Buenos Aires, the Catholic University of Argentina, the Delegation of Argentine Jewish Associations (DAIA), the Ombudsman of Santa Fé province, the Association of Volunteers against Discrimination (Rosario) and the Brigadier General San Martín Foundation of Córdoba province.

143. The following projects are also at an advanced stage of preparation:

- *International Congress on Discrimination, Xenophobia and Racism*, to be held in Buenos Aires in 1998, to which various international figures have been invited;

- *Buenos Aires - Cape Town yacht race*, a sporting symbol of the cultural integration of our countries, to be held in 1999. The event was announced on 27 November 1997 and registration is open for those wishing to enter.

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of all Forms of
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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1998

Addendum

Iceland*

[8 April 1999]

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* This document contains the fifteenth periodic report due on 4 January 1998. For the fourteenth periodic report of Iceland and the summary record of the meeting at which the Committee considered that report, see documents CERD/C/299/Add.4 and CERD/C/SR.1202.

The information submitted by Iceland in accordance with the consolidated guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/Add.26.

GE.99-42692 (E)

I. GENERAL OBSERVATIONS

1. In the following a general description will be presented of the most important laws enacted and measures taken during the three years which have passed since Iceland's fourteenth report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination was concluded in February 1996. The account will be confined to the legal reforms or other measures and decisions on policy-making carried out or planned since then, which are of an important nature and have a bearing upon the implementation of the Convention in Iceland. Matters relating to the individual provisions of the Convention are discussed in Part II. No discussion will be presented of matters concerning the individual provisions of the Convention where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the previous reports.

2. As regards general information on Iceland and its people, the administration, and court system, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, a reference is made to the core document concerning Iceland forming part of the reports of States parties (HRI/CORE/1/Add.26 of 24 June 1993) as these aspects remain unchanged if no particular observations are made to the contrary herein. Reference shall also be made in this respect to the general observations in Part I of the twelfth report (CERD/C/226/Add.12) and to the general observations in Part I of the fourteenth report (CERD/C/299/Add.4).

3. At the time of writing of the fourteenth report a new Personal Names Bill had been submitted to the Althing. The Bill now has been enacted as Act No. 45/1996. According to the new Personal Names Act, the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names.

4. At the time of writing of the fourteenth report a Bill was in the making adding a new provision to the Penal Code. The Bill now has been adopted as Act No. 135/1996, amending the Penal Code. According to Act No. 135/1996 it is a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places, on the grounds of colour, race, national origin and comparable considerations.

5. The Refugee Council, which the Government appointed in February 1995 with the participation of representatives from the Ministries of Foreign Affairs, Justice, Social Affairs, Education and Health Affairs and a representative from the Red Cross, has, inter alia, submitted proposals to the Government concerning annual quotas of refugees to Iceland. In October 1995 the Government decided to receive a group of 25 refugees from Bosnia in Iceland. That was the first time since 1991 that Iceland had received such a group of refugees. Since then Iceland has received groups of 20-25 refugees each year, most of them from the former Yugoslavia. The arrival of the latest group in Iceland is now being prepared in cooperation with local authorities in the country, regarding matters such as providing housing and employment,

arranging health care and other services they will need on their arrival. The Icelandic Red Cross in coordination with UNCHR is now deciding on the composition of the group.

6. A Bill on Aliens in Iceland has been submitted to Parliament. Its provisions apply to the right of foreigners to enter Iceland and their stay here. It is designed to secure the legal rights of foreigners who come to Iceland or leave it, stay here or apply for permits. The Bill furthermore contains provisions on the right to asylum for refugees and the protection of refugees and others against persecution. The Bill states the fundamental principle, subject however to the laws of Iceland currently in effect, that any foreigners lawfully staying in Iceland shall enjoy rights equal to those of Icelandic nationals. Some provision of current laws, to which no changes are planned, establish a legal status of foreigners different to that of Icelandic nationals. Examples of this are the Acts on Parliamentary and Municipal Elections, the Real Property Ownership and Use Act, and acts relating to employment, taxes and social security. As regards the substance of those acts, a reference is made to Iceland's earlier reports, where they are described.

7. As mentioned in the fourteenth report (para. 17), the Minister of Education appointed in the autumn of 1995 a committee to formulate an overall policy on immigrants in Iceland, with the participation of representatives from the Office of the Prime Minister and the Ministries of Foreign Affairs, Justice, Social Affairs and Education. The Committee's task was initially to collect information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants and to analyse whether there are particular problems in this field that must be tackled through legislative, administrative or other measures.

8. On the basis of the collected information, the Committee submitted proposals to the Government to formulate a general policy on immigrants. This, inter alia, included proposals on how to organize special services for immigrants in the field of education and social support, the services of interpreters and other proposals aiming at improving the situation of immigrants in the country. The Committee's proposals are now under consideration with the Government.

9. It is evident that public interest and discussion on human rights has increased significantly in Iceland in the past few years. The conclusions of the Committee on the Elimination of Racial Discrimination concerning Iceland's fourteenth report under the Convention were distributed to all public media and all the most influential Icelandic media described the conclusions.

10. Various measures have been taken by the Government concerning the publication and distribution of international human rights conventions to which Iceland is a party, including the Convention on the Elimination of All Forms of Racial Discrimination. As regards publication and distribution, reference is made to the general observations in Part I of the fourteenth report (paras. 20-24).

11. As regards organizations operating in the field of human rights, reference is made to the general observations in Part I of the fourteenth report (paras. 25-29). The Human Rights Office receives financial support from the State, which was ISK 6 million for 1999, and ISK 4 million for 1998.

12. The next two pages show tables describing some relevant aspects of the demographic composition of the population in Iceland on 1 December 1997. They reveal on one hand the number of foreign nationals in Iceland and on the other hand the number of Icelandic citizens born abroad.

Population of Iceland at 1 December 1997,
by country of birth and country of citizenship:

Total population	272 381	
	Country of birth	Country of citizenship
Iceland	259 953	266 746
Other countries	12 428	5 635
The Nordic countries	**4 881**	**1 541**
Denmark	2 167	918
Finland	124	89
Faeroe Islands	311	-
Greenland	31	-
Norway	773	288
Sweden	1 475	251
Other European countries	**3 973**	**2 388**
Albania	7	6
Austria	67	34
Belarus	-	2
Belgium	55	34
Bosnia and Herzegovina	1	21
Bulgaria	45	29
Croatia	5	49
Czech Republic; Czechoslovakia	55	21
Estonia	10	14
France	214	103
Georgia	-	3
Germany	900	304
Greece	8	5
Hungary	56	40
Ireland	49	37
Italy	66	29
Latvia	3	3
Lithuania	13	21
Luxembourg	82	-
Malta	1	1
Netherlands	133	110
Portugal	70	73
Poland	820	735
Romania	15	10

Russian Federation; Soviet Union	177	99
Slovakia	-	11
Slovenia	-	7
Spain	123	78
Switzerland	74	28
The former Yugoslav Republic of Macedonia	-	3
Ukraine	3	15
United Kingdom	649	332
Yugoslavia	272	131
Americas	**1 730**	**772**
Brazil	17	13
Canada	181	60
Chile	29	16
Colombia	46	15
Guatemala	28	3
Mexico	28	17
Peru	21	13
United States	1 298	580
Other American countries	82	55
Africa	**285**	**133**
Algeria	20	10
Ethiopia	14	1
Cape Verde	28	16
Kenya	17	2
Morocco	52	30
South Africa	61	31
Other African countries	93	43
Asia	**1 469**	**739**
China	116	71
India	104	19
Indonesia	72	7
Iraq	9	4
Iran (Islamic Republic of)	20	6
Israel	20	5
Japan	40	20
Jordan	10	8
South Korea	30	2
Lebanon	17	2
Philippines	380	211
Sri Lanka	94	15
Syrian Arab Republic	11	5
Thailand	336	290
Turkey	24	5
Viet Nam	137	44
Other Asian countries	49	25

Oceania	**90**	**57**
Australia	50	28
New Zealand	40	27
Stateless persons	-	2

13. From the time Iceland's fourteenth report was prepared, the number of foreign nationals in Iceland has increased slightly. On 1 December 1991 foreign nationals in Iceland numbered 5,395 while on 1 December 1995 they numbered 4,807, but on 1 December 1997 they numbered 5,635. Of these approximately one third came from other Nordic countries, and approximately one third from other European countries.

14. At the same points in time, 10,565 Icelandic nationals had been born abroad as of 1 December 1991, 10,901 as of 1 December 1995 and 12,428 as of 1 December 1997. It should be noted that these figures include both those who were born abroad and acquired Icelandic citizenship at birth, and foreigners born abroad who subsequently acquired Icelandic citizenship.

15. For the purpose of comparison with figures from previous years, reference is made to the tables on the same subjects included in Part I of the twelfth and fourteenth reports.

II. INFORMATION RELATING TO THE IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Paragraph 1

16. No legal provisions or regulations can be found in Icelandic laws which condone racial discrimination. Such a legal provision would clearly violate the equality protected in section 65 of the Constitution. Therefore, the courts would, through their judicial review, disregard or not apply such a provision, even though they could not formally invalidate it.

17. With reference to subparagraphs (a) and (b) of article 2, Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor supported any such activities.

18. Reference is made to paragraphs 35-37 of the fourteenth report.

Paragraph 2

19. As mentioned in the fourteenth report (para. 40), there have not been incidents or circumstances which have evolved in recent years indicating that some specific racial groups or individuals belonging to them need special protection, as described in the paragraph, more than other racial groups.

20. As also mentioned in the fourteenth report (para. 41), the language barrier is a problem common to most of the immigrants in the country without regard to their race, colour or ethnic origin. Therefore, measures taken by the authorities in this and other respects have aimed at solving the problems of immigrants in general. The appointment of a committee to formulate a

general policy on immigrants in Iceland, described in the fourteenth report (para. 41), was a step in this direction. The committee collected information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants to analyse whether there are particular problems in this field which must be tackled through legislative, administrative or other measures. The committee's proposals are now under consideration with the Government.

Article 3

21. No particular legislative, judicial, administrative or other measures have been adopted in relation to this article of the Convention from the time Iceland's thirteenth report was finalized.

Article 4

22. As mentioned in paragraph 4 above, a Bill amending the Penal Code now has been adopted as Act No. 135/1996. According to section 180 of the Penal Code, it is punishable by fines or imprisonment for up to six years to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places, on the grounds of colour, race, national origin and comparable considerations.

23. Act No. 135/1996 also mentioned section 233 (a) of the Penal Code, which stated that any person who, by mockery, slander, insult, threat or other means, publicly attacks a group of persons on the grounds of their nationality, colour, race or religion shall be liable to a fine or imprisonment for a term not exceeding two years. According to Act No. 135/1996 it is not only punishable to publicly attack a group of persons on the above-mentioned grounds but also a single person.

24. Other penalty clauses pertaining to this article have remained unchanged in Icelandic legislation since the thirteenth report was submitted.

Article 5

25. As mentioned in the fourteenth report (para. 61), one particular legal provision had been subject to criticism for discriminating between legitimate and illegitimate children born in Iceland who have a foreign mother. This provision, which was to be found in the Icelandic Nationality Act, has now been amended by Act No. 62/1998 which states that if an unmarried woman who is a foreign national has a child in Iceland, it shall acquire Icelandic citizenship if a man who is an Icelandic citizen is recognized as the father under the Children's Act. If an unmarried woman who is a foreign national has a child abroad by a man who is an Icelandic citizen, the father may, before the child reaches the age of 18, apply to the Ministry of Justice for the child to receive Icelandic citizenship, and shall consult the child if he is over the age of 12. If, in the opinion of the Ministry, he submits satisfactory evidence concerning the child and his paternity, the child shall acquire Icelandic citizenship on confirmation by the Ministry.

26. As discussed in the fourteenth report (para. 62), the Althing was considering a new rule expressly providing for the possibility of granting Icelandic nationality to a child born stateless in Iceland. This has now been done. According to Act No. 62/1998, amending the Icelandic Nationality Act, the Minister of Justice may grant Icelandic citizenship to a child born in Iceland who demonstrably did not acquire another nationality at birth and has not acquired it, or the right to acquire it, when his application for citizenship is submitted. The child shall have been domiciled and continuously resident in Iceland from birth for at least three years.

Article 6

27. As to the remedies through national tribunals and other State institutions against acts of discrimination, reference is made to paragraphs 22-37 and 54-60 of the twelfth report and paragraph 4 of the thirteenth report. The legislation concerning the Icelandic court system and the administrative system remains unchanged since the thirteenth report was finalized.

28. In this context can be mentioned Public Information Act No. 50/1996, which entered into effect on 1 January 1996. The Act makes it mandatory for administrative authorities to provide public access to material concerning particular matters, subject to certain limitations leading from considerations of, for example, State security, national defence and private, including financial, interests. The Act applies to State and municipal administrations, and to private parties to the extent they may have been entrusted with public power concerning the rights and duties of others. One limitation to the applicability of the Act is that it is subject to international agreements which may have been undertaken by Iceland. The chief purpose of the Act is to provide the public with opportunities for monitoring the activities of administrative authorities, either directly or through the public media, and thus to strengthen democratic methods of government and legal security in the public administration.

29. No cases, either civil or criminal case, have been brought before the courts in recent years concerning racial discrimination. According to information from the Ombudsman of the Althing, the Office has not received any complaint in recent years from individuals claiming that they have been discriminated against by the authorities on the grounds of race, colour or national or ethnic origin. The Children's Ombudsman has not initiated any special recommendations to the authorities on the basis of problems concerning racial discrimination or prejudices against children.

Article 7

30. As described in the fourteenth report (paras. 20-24), various measures have been taken in recent years to create and promote public awareness about human rights and international human rights instruments. These measures have been taken both by the authorities and several human rights organizations, particularly the Human Rights Office and Icelandic Save the Children. As regards these measures, reference is made to paragraphs 70-79 of the fourteenth report.

31. It should also be mentioned that the Icelandic authorities supported the publication in Iceland of the Universal Declaration of Human Rights on its fiftieth anniversary with a contribution of ISK 2 million. Even though the publication aimed at introducing the Declaration, it must be considered as an important step in promoting understanding, tolerance and friendship as a part of human rights evolution in Iceland.

32. Iceland's fifteenth report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination will be published at the homepage of the Ministry of Justice on the Internet and will also be sent to the public media, the Ombudsman of the Althing, the Children's Ombudsman, and human rights organizations in Iceland such as the Human Rights Office, the Red Cross and Amnesty International.